

REMARKS/ARGUMENTS

Claims 26-33, 35 and 49-51 are pending in this patent application. Claim 26 is currently amended. Claims 47-48 are canceled without prejudice to their presentation in a continuing application. Claims 1-25 and 36-46 were canceled in a previous response.

Support for the amendments to claim 26 is provided in the specification, for example, on page 7, lines 7-10, and page 9, lines 1-7.

I. Rejections under 35 U.S.C. § 112, first paragraph

Claims 47 and 48 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking adequate disclosure in the specification. Although Applicant does not necessarily concur, claims 47 and 48 have been canceled without prejudice to their presentation in a continuing application to advance prosecution of the remaining claims.

II. Rejections under 35 U.S.C. § 112, second paragraph

Claims 26-35 and 47-51 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite with respect to antecedence for the phrase “the pressure between said mandrel and each of said platens”. Although Applicant does not necessarily concur, this phrase has been amended, for example by striking “the”, thereby providing even clearer antecedent basis for the pressure applied between the mandrel and the platens. Claim 26 has also been amended to recite that each of the platens are individually supported by vertically displaceable lifts, thereby even more clearly indicating the means for moving the platens.

III. Rejections under 35 U.S.C. § 112, fourth paragraph

Claims 47 and 48 stand rejected under 35 U.S.C. § 112, fourth paragraph, as allegedly being indefinite and not further limiting the claim on which it depends. Although Applicant does not necessarily concur, claims 47 and 48 have been canceled to advance prosecution of the remaining claims.

IV. Rejections under 35 U.S.C. § 103: The Kuethe Patent combined with the Highberger or Connor Patents

Claims 26-30 and 47-49 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over U.S. Patent No. 5,155,969 to Kuethe *et al.* ("the Kuethe patent") combined with either U.S. Patent No. 5,836,136 to Highberger ("the Highberger patent") or U.S. Patent No. 4,511,044 to Connor *et al.* ("the Connor patent"). Applicant respectfully traverses this rejection because combining the teachings of the Kuethe patent and the Highberger or Connor patents would not have produced any claimed invention.

The stated basis for rejection is that the Kuethe patent discloses the platens and mandrels recited in the claims (Office Action at page 4, lines 15-17), and that it would have been obvious to those of ordinary skill to modify the patent's disclosure in accordance with the other cited references to produce a claimed invention.

Significantly, however, the Office Action misidentifies components of the device disclosed in the Kuethe patent. For example, the Office Action incorrectly identifies components 52, 54, 56 and 58 as platens – in fact, the patent refers to these components as lower vacuum chambers (col. 5, lines 55-56). The Office Action also incorrectly identifies components 44, 46, 48 and 50 as mandrels; the patent refers to these as upper vacuum chambers (col. 5, lines 54-55). Moreover, nowhere does the Kuethe patent teach or suggest that the identified vacuum chamber components can be used as platens or mandrels. Accordingly, the rejection necessarily lacks basis and should be withdrawn.

Neither of the other cited references remedy the deficiencies of the Kuethe patent. The Highberger patent discloses an apparatus that seals a film-to-film package containing loose, free-flowing products in which the sealing pressure is controlled by sensing the torque on the servomotor 52. This type of sealing pressure control is incompatible with the claimed invention in which a plurality of vertically displaceable lifts is in fluid communication with a plurality of pressure transducers. Moreover, the Highberger apparatus only monitors the sealing pressure of a single package at a time. Similarly, the Connor patent discloses a seal force monitor apparatus for use in capping individual, *i.e.*, non-contiguous, bottles. Neither the Highberger patent nor the Connor patent provides a solution to the problem of individually controlling the sealing pressures on a plurality of containers that are sealed using a single contiguous lidstock.

The Office Action incorrectly alleges that, in regards to claims 48 and 49, the mounting of the transducer to either the mandrel or the lift is a matter of design. Placement of the plurality of pressure transducers on the lifts in the claimed invention permits individual control of the vertical displacement of the plurality of platens that solves the problem of individually controlling the sealing pressures on a plurality of containers that are sealed using a single contiguous lidstock.

In view of the reasons stated above, Applicant submits that the manner of combining the Kuethe, Highberger and Connor patents described in the Office Action does not teach any apparatus of the type claimed. Because Applicant has provided a solution to the identified problem, which is neither taught nor suggested by the references relied upon by the Examiner, Applicant requests reconsideration and withdrawal of this rejection under U.S.C. § 103(a).

V. Rejections under 35 U.S.C. § 103: The Kuethe Patent combined with the Edwards Patents and the Highberger or Connor Patents

Claims 31-35, 50 and 51 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over the Kuethe patent combined with U.S. Patent No. 5,565,059 to Edwards ("the Edwards '059 patent") or U.S. Patent No. 5,528,878 ("the Edwards '878 patent"), and combined with either one of the Highberger or Connor patents. Applicant traverses this rejection because combining the teachings of these patents in the manner proposed would not have produced any claimed invention. Specifically, combination of the references' respective teachings would not have produced an apparatus in which pressure can be controllably applied to the contiguous lidstock and the flanges of a plurality containers to provide a set of connected packages. Although the Edwards patents disclose an inspection system, neither one of the Highberger or Connor patents remedies the above-noted deficiencies of the Kuethe patent with respect to pressure control. Applicant therefore respectfully requests reconsideration and withdrawal of this rejection under U.S.C. § 103(a).

VI. Rejections under 35 U.S.C. § 103: The Ciba Geigy Reference combined with the Highberger or Connor Patents

Claims 26-35 and 47-51 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over WO 98/32587 to Novartis-Erfindungen (“the Ciba Geigy reference”) in view of either one of the Highberger or Connor patents. Applicant respectfully traverses this rejection because the Ciba Geigy reference – like those discussed above – does not disclose or suggest an apparatus in which the pressure can be controllably applied to the contiguous lidstock and the flanges of the containers. Rather, the Ciba Geigy reference is directed to *controlling temperature* of the contact plates to seal containers with *non-contiguous pieces of cover film that are stamped out and placed onto the base parts (i.e., containers)*. (sentence bridging pages 11-12). The Ciba Geigy reference thus describes an apparatus for the thermal bonding of a base part of a packaging with a cover film, with no apparent teaching to include pressure transducers and a controller for controlling the pressure between the base part and the cover film. Although the Highberger and Connor patents disclose pressure control, neither one of these patents remedies the above-noted deficiencies of the Ciba Geigy reference with respect to controlling pressure that is applied to the contiguous lidstock and the flanges of the plurality of containers of the claimed invention. Applicant therefore respectfully requests reconsideration and withdrawal of this rejection under U.S.C. § 103(a).

VII. Rejections under 35 U.S.C. § 103: The Giovannone Patent combined with the Kuethe Patent and the Highberger or Connor Patents

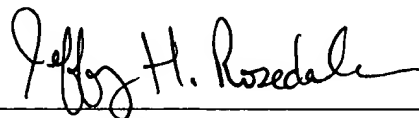
Claims 26-28, 35 and 47-49 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over the U.S. Patent No. 5,379,572 to Giovannone (“the Giovannone patent”) in view of the Kuethe patent, and combined with either one of the Highberger or Connor patents. Combining the teachings of these patents in the manner proposed, however, would not have produced any claimed invention. Specifically, none of these references discloses or suggests an apparatus in which pressure can be controllably applied to the contiguous lidstock and the flanges of a plurality of containers to provide a set of packages connected by the contiguous lidstock.

DOCKET NO.: VTN-0415
Application No.: 09/217,878
Office Action Dated: October 8, 2003

PATENT

The Giovannone patent discloses cold pressing preheated sections of thermoplastic sheets under pressure to seal the preheated sections and provide *single, non-contiguous* cold seal bonded blister packages *using one mandrel and one platen to produce each blister package*. Applying this disclosure to the continuous sheet disclosed in the Keuthe patent (as proposed in the Office Action) would not result in a device, as claimed, in which there are individually controlled lifts that vertically displace a plurality of platens. Neither of the Highberger or Connor patents remedies this deficiency, nor have they been alleged to do so. Applicant therefore respectfully requests reconsideration and withdrawal of this rejection under U.S.C. § 103(a).

Respectfully submitted,



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